

#18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pogrebinsky

Group Art Unit: 2661

Serial No.: 09/241,857

Examiner: Vanderpuye

Filed : 02/02/1999

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Title : METHOD AND APPARATUS FOR TRANSMITTING PACKETS

PETITION TO REVIVE APPLICATION FOR FAILURE TO  
RECEIVE OFFICE ACTION DUE TO USPTO ERROR

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

On October 11, 2001, Applicant filed a Revocation of Prior Power of Attorney/Power of Attorney and Statement Under 37 CFR 3.37(b), appointing the law firm of Welsh & Flaxman LLC. Also on October 11, 2001, a Change of Correspondence Address was filed.

On November 8, 2002, Mark Cohen, the previous attorney of record whose power had been revoked, filed a Change of Correspondence Address, which the USPTO improperly entered.

In June 2003, we discovered that an Office Action had improperly been sent to the previous attorney. Prior to filing an Amendment on June 27, 2003, I personally visited the clerical staff at the USPTO in order to have the address changed on the file wrapper itself and to highlight that the entering of the Change of Correspondence Address of November 8, 2002 was improper given that Mark Cohen's power had been revoked.

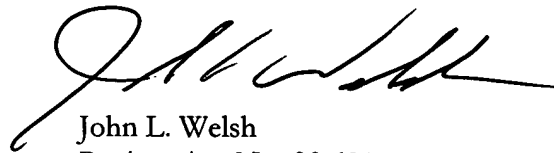
After becoming aware that the September 10, 2003 Office Action had again been sent to Mark Cohen, our office contacted the USPTO staff to determine the correspondence listed on the file and was informed that it the address listed was Welsh & Flaxman and that the September 10, 2003 Office Action had erroneously been mailed to the previous attorney. Since we had obtained a copy of the Office Action and had sufficient time to prepare a response, we did not request that the period for response be restarted.

On September 17, 2004, we received a Notice of Abandonment for this application. The Notice indicated that the application had gone abandon for failure to respond to the Office Action of February 23, 2004. Applicant never received the February 23, 2003 Office Action because, upon an inspection of the file by our agent, auto.pat, we discovered that it had again been improperly addressed to the

previous attorney, Mark Cohen. The Notice of Abandonment was received by Welsh & Flaxman due to the blanket change of address filed in all of our files on April 27, 2004.

The PTO's continued error of mailing papers to the address of a revoked attorney has resulted in hardship to our client and abandonment of this application. We, therefore, respectfully request that the application be revived.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. L. Welsh', with a stylized, flowing script.

John L. Welsh  
Registration No. 33,621

WELSH & FLAXMAN LLC  
2450 Crystal Drive  
Suite 112  
Arlington, Virginia 22202  
Telephone: (703) 920-1122

Docket No. P-2163-US



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pogrebinsky

Serial No. : 09/241,857

Filed : 02/02/99

Title : METHOD AND APPARATUS FOR TRANSMITTING PACKETS

Title of Paper: Revocation of Prior Power of Attorney/Power of Attorney;  
Statement Under 37 CFR 3.73(b)

By : JLW/jlk

Docket No. : P-2163-US

Fee : \$0.00

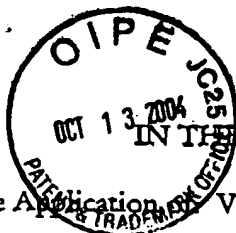
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Vladimir Pogrebinsky

Serial No.: 09/241,857

Filed : February, 2, 1999

Title : METHOD AND APPARATUS FOR TRANSMITTING PACKETS

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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REVOCATION OF PRIOR POWERS OF ATTORNEY

I hereby revoke powers of attorney previously given to:

Heidi M. Brun,  
Registration No. 34,504

Mark S. Cohen  
Registration No. 42,425

POWER OF ATTORNEY

I hereby confirm the appointment of the following attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith:

John L. Welsh, Esq.  
Registration No. 33,621


Howard N. Flaxman, Esq.  
Registration No. 34,595

Jerome R. Smith, Jr., Esq.  
Registration No. 35,684

Please send all correspondence to:

John L. Welsh, Esq.  
WELSH & FLAXMAN LLC  
2341 Jefferson Davis Highway, Suite 112  
Arlington, VA 22202  
(703) 920-1122

Date: Oct 11/2001

X   
Ira Paltu, Chief Operating Officer  
Voaltec Communications Ltd.



PTO/SB/85 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**

**COPY**

Applicant/Patent Owner: Vladimir Pogrebinsky

Application No./Patent No.: 09/241,857 Filed/Issue Date: 2/2/1999

Entitled: Method and Apparatus for Transmitting Packets

Vocaltec Communications Ltd, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

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- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9907, Frame 0199, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Oct 11, 2004  
 Date

Ira Palt  
 Typed or printed name  
[Signature]  
 Signature  
Chief Operating Officer  
 Title



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pogrebinsky

Serial No. : 09/241,857

Filed : 02/02/99

Title : METHOD AND APPARATUS FOR TRANSMITTING PACKETS

Title of Paper: Change of Correspondence Address

By : JLW/jlk

Docket No. : P-2163-US

Fee : \$0.00

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PTO/SB/122 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

|                        |             |
|------------------------|-------------|
| Application Number     | 09/241,857  |
| Filing Date            | 2/27/1999   |
| First Named Inventor   | Pogrebinsky |
| Group Art Unit         |             |
| Examiner Name          |             |
| Attorney Docket Number | P-2163-US   |

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I am the :



Applicant/Inventor.



Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).



Attorney or Agent of record.



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Typed or Printed  
Name

John L. Welsh

Signature

Date

10/10/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

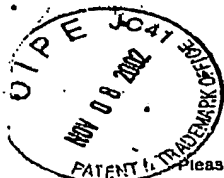


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|--|------------------------|-----------------------|
| <b>CHANGE OF<br/>CORRESPONDENCE ADDRESS<br/>Application</b><br><br>Address to:<br>Assistant Commissioner for Patents<br>Washington, D.C. 20231 | Application Number     | 09/241,857            |
|  | Filing Date            | February 2, 1999      |
|  | First Named Inventor   | POGREBINSKY, Vladimir |
|  | Group Art Unit         | 2731                  |
|  | Examiner Name          | Not yet known         |
|  | Attorney Docket Number | P-2163-US             |

NOV 11 2002

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OR.

|   |  |       |              |     |       |
|---|--|-------|--------------|-----|-------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Eitan, Pearl, Latzer & Cohen Zedek, LLP. |       |              |     |       |
| Address   | 10 Rockefeller Plaza                     |       |              |     |       |
| Address   | Suite 1001                               |       |              |     |       |
| City  | New York                                 | State | New York     | ZIP | 10020 |
| Country   | U.S.A.                                   |       |              |     |       |
| Telephone   | 212-632-3480                             | Fax   | 212-632-3489 |     |       |

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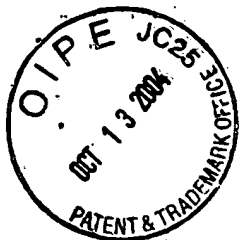
I am the :

- ☐ Applicant  
☐ Assignee of record of the entire interest.  
 Certificate under 37 CFR 3.73(b) is enclosed.  
☒ Attorney or agent of record.

|                       |                    |                  |        |
|-----------------------|--------------------|------------------|--------|
| Typed or Printed Name | Mark S. Cohen      | Registration No. | 42,425 |
| Signature             |                    |                  |        |
| Date                  | September 30, 2002 |                  |        |

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UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/241,857      | 02/02/1999  | VLADIMIR POGREBINSKY | P-2163-US           | 9235             |

27130 7590 02/23/2004

EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

EXAMINER

VANDERPUYE, KENNETH N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.